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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 TRAVELERS PROPERTY,

No. C 10-02757 CRB

12 Plaintiff,

**ORDER DENYING MOTION FOR  
RECONSIDERATION**

13 v.

14 CENTEX HOMES,

15 Defendant.  
16 \_\_\_\_\_/

17 Defendant Centex Homes moved the Court to reconsider its April 1, 2011 Order  
18 denying in part and granting in part Plaintiff Travelers's Motion for Summary Judgment.  
19 See dkt. 214. Centex argued that (1) new evidence revealed a conflict of interest and (2) the  
20 Court committed clear error in finding that Travelers was prejudiced. In advance of the  
21 hearing on Centex's motion, the Court issued an Argument Order, asking Centex to be  
22 prepared to state whether it would permit Travelers to assume its defense in the underlying  
23 actions from this point forward, provided the counsel appointed by Travelers was free of  
24 conflicts. See dkt. 332. At the motion hearing, Centex answered the Court's question in the  
25 affirmative. And Travelers represented that it was prepared to provide such counsel.

26 In light of this development, the Court finds the following. First, the motion for  
27 reconsideration is not ripe, and so it is DENIED, without prejudice. Second, the three  
28 pending motions for partial summary judgment, dkts. 223, 232 and 242, are all VACATED,

as is the motion for consolidation of those motions, dkt. 300. Third, the parties are invited to submit briefing on whether this case should be stayed while the underlying actions are pending. The Court need not take any further action at this time.

**IT IS SO ORDERED.**

Dated: June 6, 2011



CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE